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DUKE W. YEE YEE & ASSOCIATES, P.C. P.O. BOX 802333 DALLAS, TX 75380			EXAMINER VAUGHN, GREGORY J	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/543,952
Filing Date: April 06, 2000
Appellant(s): FRANCIS ET AL.

MAILED

AUG 17 2007

Technology Center 2100

Wayne P. Bailey of Yee & Associates, P.C.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/29/2007 appealing from the Office action mailed 12/11/2006, and in response to a review by the Appeal Center that identified deficiencies in the examiner answer dated 7/16/2007, said Appeal Center review dated 8/8/2007. The deficiencies are related to section 9 of the examiner answer dated 7/16/2007, where section 9 is not consistent with the Final rejection dated 12/11/2006. Paragraphs 5, 9, 12 and 15 of the final rejection dated 12/11/2006 are now included in this amended Examiner's Answer

(1) Real Party In Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The examiner applied the following evidence in the rejection stated below:

- Hawkins et al. US Patent 6,343,318, filed 5/29/1998, patented 1/29/2002
(hereinafter Hawkins),
- Java Servlet Programming, by Jason Hunter, published 11/1/1998
(hereinafter Hunter),
- Ginter et al., US Patent 5,892,900, filed 8/30/1996, patented 4/6/1999
(hereinafter Ginter),
- Judson, US Patent 6,185,586, filed 4/6/1998, patented 2/6/2001,
- Ramaley et al. US Patent 6,585,777, filed 1/19/1999, patented 7/1/2003
(hereinafter Ramaley),

- Toyouchi et al. US Patent 6,847,988, filed 9/13/1999, patented 1/25/2005
(hereinafter Toyouchi)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 6, 7, 8, 13, 14, 15, 20-22, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al. US Patent 6,343,318, filed 5/29/1998, patented 1/29/2002 (hereinafter Hawkins) in view of Java Servlet Programming by Jason Hunter, published 11/1/1998 (hereinafter Hunter), and in further view of Ginter et al., US Patent 5,892,900, filed 8/30/1996, patented 4/6/1999 (hereinafter Ginter).

Regarding independent claim 1, Hawkins discloses transforming a file into a pervasive computing device specific file. Hawkins recites: "*The proxy server 180 responds to requests by wireless clients 405 to fetch either web content or messaging information. The proxy server 180 carries most of the burden of bringing the information from the Internet 190, converting it to wireless client 405 compatible CTP and CML formats, and transferring it to the wireless client 405 over the wireless network*" (column 261, lines 17-23).

Hawkins discloses in Figure 1 receiving a request for the original file at a server, the request being sent from a PvC device, the file being stored at the server. As shown in Figure 1, the PvC device is shown at reference sign 100

(described as "*Wireless Communications Device*"), the request is shown at reference signs 122, 124 and 126 (described as "*Wireless CTP Query*", "*CTP Query*" and "*HTTP Query*" respectively), and the server is shown at reference sign 140 (described as "*Web Server*"). The server is shown storing a document at reference sign 144 (described as "*HTML Page*").

Hawkins discloses performing the conversion process steps at the server. Hawkins recites: "*server 180 carries most of the burden of bringing the information from the Internet 190, converting it to wireless client 405 compatible CTP and CML formats, and transferring it to the wireless client 405 over the wireless network*" (column 261, lines 18-23).

Claim 1 is directed toward the file being a Java Server Page (JSP) file. JSP files differ from plain markup language files in that JSP markup includes executable code for program execution, rather than just tags for formatting control. Hawkins discloses that the file contains executable program code. Hawkins recites: "*Alternatively, some programs are customized for accessing specific information from particular web sites. Examples of these programs are Java applets that reside on the client or are served to the client by a server*" (column 3, Lines 14-17).

However Hawkins fails to explicitly recite JSP. Hunter teaches that Java applets that are received from a server (called servlets) are the same as Java Server Pages. Hunter recites: "*Just as this book was going to press, Sun announced a new way to use servlets, called Java Server pages (commonly, but*

not officially referred to as JSP). JSP's functionality and syntax bear a remarkable resemblance to Active Server Pages (ASP)" (first paragraph of section 2.6). Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to use JSP style program code, as taught by Hunter, in the program code enabled files of Hawkins, because Hunter teaches that the functionality and syntax of JSP's resemble other server page languages.

Hawkins discloses modifying the file for a particular user by parsing elements out. Hawkins further recites: *"CGI (Common Gateway Interface) scripts can be supported. CGI scripts are used by the web server 140 to respond to form submissions by browsers and for customizing web content for a particular user. When the browser 104 requests a web document that corresponds to a CGI script, the browser 104 can append text parameters to the end of the base document URL. The proxy server 180 will parse the parameters out"* (column 13, lines 44-51).

Hawkins and Hunter disclose transforming a Java proxy server file application into a pervasive computing device compatible file, where the server will parse specific elements out during the conversion process. Hawkins and Hunter also disclose storing the transformed file. Hawkins and Hunter fail to disclose the masking and unmasking of specific tags in the conversion process. Ginter teaches the use of masking tags. Ginter recites: *"UDEs 1200 are preferably*

encrypted using a site specific key once they are loaded into a site. This site-specific key masks a validation tag" (column 150, lines 35-37).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to combine the masking of tags as taught by Ginter with the transformation of files for pervasive computing devices as taught by Hawkins and Hunter in order to "*maintain the integrity, availability, and/or confidentiality of such information and processes related to such use*" (Ginter, column 1, lines 13-15).

Regarding independent claims 8, 15 and 22, the claims are directed toward an apparatus, a computer program and a system (respectively) for the method of claim 1, and are rejected using the same rationale.

In regard to dependent claims 6-7, 13-14, 20-21 and 27-28, the claims are rejected for fully incorporating the deficiencies of their base claims.

Claims 2, 3, 9, 10, 16, 17, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins in view of Hunter, further in view of Ginter and further in view of Judson US Patent 6,185,586 (filed 4/6/1998, patented 2/6/2001).

In regard to dependent claims 2 and 3, Hawkins and Hunter disclose transforming a Java proxy server file application into a pervasive computing device compatible file, where the server will parse specific elements out during the conversion process. Hawkins and Hunter also disclose storing the

transformed file. Hawkins, Hunter and Ginter disclose masking as described above. Hawkins, Hunter and Ginter fail to disclose masking by use of comment tags. Judson teaches the use of comments tags to mask. Judson recites: *"Preferably, the information object is masked by an HTML comment tag, which may include other HTML tags nested therein to format the information in the object"* (column 3, lines 2-3).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to combine the transformation of files for pervasive computing devices by masking tag as taught by Hawkins, Hunter and Ginter with the comment masking of Judson so that *"the information is preferably "hidden" within the web page using a hypertext markup comment tag"* (Judson, column 2, lines 58-59).

Regarding dependent claims 9-10, 16-17 and 23-24, the claims are directed toward an apparatus, a computer program and a system (respectively) for the method of claims 2-3, and are rejected using the same rationale.

Claims 4-5, 11-12, 18-19 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins in view of Hunter, further in view of Ginter and further in view of Ramaley et al. US Patent 6,585,777, filed 1/19/1999, patented 7/1/2003 (hereinafter Ramaley).

In regard to dependent claim 4 and 5, Hawkins and Hunter disclose transforming a Java proxy server file application into a pervasive computing

device compatible file, where the server will parse specific elements out during the conversion process. Hawkins and Hunter also disclose storing the transformed file. Hawkins, Hunter and Ginter disclose masking as described above. Hawkins, Hunter and Ginter fail to disclose storing with a unique file name or file extension. Ramaley discloses "*Assign Unique Identifier Comprising Fixed String and Unique Instance Number*" at reference 620 in Fig. 6. Ramaley teaches the use of unique file naming

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made to add the file naming of Ramaley to the transformation of files for pervasive computing devices by masking tag as taught by Hawkins, Hunter and Ginter to provide the benefit of "*placing information in a primary file that provides a cue*" (Ramaley, column 3, lines 7-8).

In regard to dependent claims 11-12, 18-19 and 25-26, the claims are directed toward an apparatus, a computer program and a system (respectively) for the method of claims 4-5, and are rejected using the same rationale.

Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins in view of Hunter, further in view of Ginter and further in view of Toyouchi et al. US Patent 6,847,988, filed 9/13/1999, patented 1/25/2005 (hereinafter Toyouchi).

Regarding dependent claim 29, Hawkins, Hunter and Ginter disclose a method for transforming an original JSP file into a PvC device specific file, and

locating the original JSP file on the server as described above. Hawkins, Hunter and Ginter fail to disclose determining the type of PvC device based upon the header information of the request. Toyouchi discloses using the header information of a request to determine the type of device, Toyouchi recites: "*In FIG. 53, there is shown a format of a message transmitted/received between the information acquiring computer and the service providing computer. The message contains a header portion 701 and a data portion 702. The header portion 701 contains a destination address 7011, a source (sender) address 7012, a session ID 7013 capable of uniquely discriminating a session start to an end from the client application (browser), namely a combination with an address (for instance, IP address+port) and a time instant, a serial number 7014 within a session, a terminal sort 7015 for indicating a type of a terminal*" (column 38, line 66 to column 39, line 9).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to combine the use of identifying information contained in the header of a request, as taught by Toyouchi, with the JSP to PvC transforming method of Hawkins, Hunter and Ginter in order to provide "*more effective information service utilization by end users*" (Toyouchi, column 2, line 47).

Regarding dependent claims 30-31, the claims are directed toward a computer program and a system (respectively) for the method of claims 29, and are rejected using the same rationale.

(10) Response to Argument

Appellant argues that the combined references fail to disclose a single server performing the steps of the claimed invention (bottom of page 13 to the top of page 14, of the Appeal Brief filed 3/29/2007). Hawkins discloses the steps performed at a server, as described above. Hawkins discloses a "Web" server and a "Proxy" server. Sharing services among servers is well known in the art. This is supported by applicant's originally filed specification, which recites: "*Distributed data processing systems 100 may include additional servers, clients and other devices not shown*" (page 6, lines 22-23). See also Hawkins starting at column 264, line 62, where Hawkins describes alternate embodiments of the invention that include combining functions of the invention onto a single machine. Hawkins recites: "*The following describes an embodiment of the invention where a user's computer is substituted for the base station 170 and the proxy server*" (column 265, lines 11-14).

Appellant argues that the combined references fail to disclose that the file to be transferred contains JSP pages or their equivalent (bottom of page 14 to page 15, of the Appeal Brief filed 3/29/2007). Hawkins discloses the transformation of files for use on various client devices, as described above. Hawkins describes these files as "*Java applets that reside on the client or are served to the client by a server*" (column 3, lines 16-17, emphasis added). Hence, Hawkins discloses "executable program code" type files (described as "*Java applets*") that "*are served to the client by a server*". Hunter is relied upon to teach that JSP pages are a kind of executable program code.

Appellant argues that the combined references fail to disclose unmasking of tags (bottom of page 15 to page 16, of the Appeal Brief filed 3/29/2007). Appellant's invention is directed toward protecting certain file elements (the JSP tags) during a file transformation process. Ginter is relied upon to teach protecting certain file elements (validation tags), with a masking operation, during a file transformation process (i.e. encryption). Encryption inherently includes a second decryption process that unmask the protected file elements.

Appellant argues that the combined references fail to disclose selective conversion of tags based upon tag types (bottom of page 16 to page 17, of the Appeal Brief filed 3/29/2007). Ginter is relied upon to teach protecting certain file elements (validation tags), with a masking operation, during a file transformation process (i.e. encryption). Encryption inherently includes a second decryption process that unmask the protected file elements.

Appellant argues that there is no motivation to combine Hawkins, Ginter and Hunter (page 17 to page 18, of the Appeal Brief filed 3/29/2007). The examiner contends that appellant's invention and the references are analogous art. All are directed to the supplying and controlling of information delivered over the Internet. The motivation used to combine each cited piece of prior art is described above.

Appellant argues that the examiner's rejection of claims 6, 7, 13, 14, 20, 21, 27 and 28 is improper (page 18 to page 19, of the Appeal Brief filed 3/29/2007). The examiner contends that encountering, determining and identifying tags (claims 6, 13, 20 and 27) and writing to a resultant file based on the encountering, determining and

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identifying tags is inherently part of the parsing process. Parsing is described in relation to the stated rejection of claim 1.

The balance of appellant's arguments are directed toward challenging the examiner's motivation to combine or the prior art not disclosing a claimed feature. As noted above, the references are directed to supplying and controlling of information delivered over the Internet, where the motivation used to combine each cited piece of prior art is described above. Regarding claims 2, 3, 9, 10, 16, 17, 23 and 24, appellant argues that the combined references fail to show masking and unmasking accomplished by using HTML comment tags. Judson teaches this, as described above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

/Gregory J. Vaughn/
Patent Examiner
Art Unit 2178
August 8, 2007


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SUPERVISORY PATENT EXAMINER

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